

shall be submitted to the North Carolina Environmental Management Commission, Department of Natural and Economic Resources, Division of Environmental Management, P.O. Box 27687, Raleigh, NC 27611. Attention: Air Quality Section, instead of the EPA Region IV office.

[43 FR 26410, June 19, 1978, as amended at 47 FR 7837, Feb. 23, 1982]

§ 52.1779 [Reserved]

§ 52.1780 VOC rule deficiency correction.

The revisions submitted to EPA for approval on September 21, 1989, January 14, 1991, April 29, 1991, August 13, 1991, and July 19, 1993, were intended to correct deficiencies cited in a letter calling for the State to revise its SIP for O₃ from Greer C. Tidwell, EPA Regional Administrator to Governor James C. Martin on May 25, 1988, and clarified in a letter from Winston A. Smith, EPA Region IV Air Division Director to the Chief of the Air Quality Section, North Carolina Division of Environmental Management. The deficiency in the following aspect of the rule has not been corrected.

(a) Procedures used to determine capture control device efficiency should be contained in 2D.0914. This deficiency must be corrected as soon as EPA issues final guidance on Capture Efficiency regulations.

(b) [Reserved]

[59 FR 32365, June 23, 1994]

§ 52.1781 Control strategy: Sulfur oxides and particulate matter.

(a) The plan's control strategy for particulate matter as outlined in the three-year variance for the coal-fired units of Duke Power Company and Carolina Power & Light Company from the particulate emission limits of Regulation 15 N.C.A.C. 2D.0503, with submittals on June 18, September 7, October 31, and December 14, 1979, by the North Carolina Department of Natural Resources and Community Development, is disapproved only insofar that it provides an exemption for excess emissions during periods of startup, shutdown, and verified malfunction. (See § 52.1770(c)(22).)

(b) The plan's control strategy for particulate matter as contained in regulation 15 NCAC 2D.0536, which was submitted on January 24 and February 21, 1983, and on December 17, 1985, and became effective on August 1, 1987, is disapproved insofar as it provides annual opacity limits for the seven plants of Duke Power Company and for Plants Roxboro and Cape Fear of Carolina Power and Light Company.

(c) The plan's control strategy for particulate matter as contained in revisions to 15 NCAC 2D.0536 submitted on January 24, 1983, February 21, 1983, and December 17, 1985, is disapproved as it applies to the Carolina Power and Light Asheville, Lee, Sutton and Weatherspoon Plants. These plants will continue to be subject to the particulate limits of 15 NCAC 2D.0503, contained in the original SIP, submitted to EPA on January 27, 1972, and approved on May 31, 1982 at 47 FR 10884.

(d) In letters dated February 4, 1987, and June 15, 1987, the North Carolina Department of Natural Resources and Community Development certified that no emission limits in the State's plan are based on dispersion techniques not permitted by EPA's stack height rules.

[45 FR 55425, Aug. 20, 1980, as amended at 53 FR 11071, Apr. 5, 1988; 53 FR 22488, June 16, 1988; 54 FR 9434, Mar. 7, 1989; 54 FR 13185, Mar. 31, 1989]

Subpart JJ—North Dakota

§ 52.1820 Identification of plan.

(a) Title of plan: "Implementation Plan for the Control of Air Pollution for the State of North Dakota."

(b) The plan was officially submitted on January 24, 1972.

(c) The plan revisions listed below were submitted on the dates specified.

(1) Air quality maintenance area designation submitted June 26, 1974, by the Governor.

(2) Compliance schedules submitted on June 14, 1973, by the Governor.

(3) Provision for public notice and comment on new source reviews and a revised compliance schedule submitted on February 19, 1974, by the Governor.

(4) Clarification concerning the revision of the secondary particulate standard attainment date submitted on November 21, 1974, by the Governor.

(5) Explanation of why sources could not comply by the original attainment date submitted April 23, 1975, by the State Department of Health.

(6) Revisions to the North Dakota Century Code making emission data public information and revising penalties, revised new source performance standards, emission standards for hazardous air pollutants, and prevention of significant air quality deterioration regulations submitted on May 26, 1976, by the Governor.

(7) Supplemental information stating that the complete new source application would be available for public review submitted August 23, 1976 by the State Department of Health.

(8) A revised compliance schedule for the Basin Electric Power Plant at Velva submitted on December 22, 1976, by the Governor.

(9) Requirements for continuous opacity monitoring by 7 sources submitted on May 26, 1977, by the Governor.

(10) Provisions to meet the requirements of Part C, Title I, and section 110 of the Clean Air Act, as amended in 1977, were submitted on July 17, 1978.

(11) On January 25, 1980, the Governor submitted a plan revision to meet the requirements of Air Quality Monitoring 40 CFR part 58, subpart C, § 58.20, and Public Notification required under section 127 of the Clean Air Act.

(12) A revision requiring flares to meet 20% opacity and have automatic ignitors or pilots, increasing construction permit fees to \$75.00 and establishing annual permit to operate fees was submitted on May 6, 1982 by the Governor.

(13) [Reserved]

(14) Revisions to the Prevention of Significant Deterioration requirements in Chapter 33-15-15 of the North Dakota regulations were submitted on October 28, 1982 by the Governor, with supplemental information submitted on July 5, 1983, March 8, 1984 and June 20, 1984, by the State Agency.

(15) A revision to the SIP was submitted by the Governor on January 26, 1988, for visibility monitoring and New Source Review.

(i) Incorporation by reference.

(A) In a letter dated January 26, 1988, Governor George A. Sinner submitted a SIP revision for visibility protection.

(B) The SIP revision for visibility protection, "Chapter 6, Air Quality Surveillance, Section 6.10, Visibility Monitoring" and "Chapter 33-15-19, Visibility Protection", became effective on October 1, 1987, through action by the North Dakota Legislative Council.

(16) On January 26, 1988, the Governor submitted a plan adding Stack Height Regulations, Chapter 33-15-18.

(i) Incorporation by reference.

(A) Addition to North Dakota Air Pollution Control Rules Chapter 33-15-18, Stack Heights, was adopted on July 21, 1987 and effective on October 1, 1987.

(17) In a letter dated April 18, 1986, the Director of the Division of Environmental Engineering, North Dakota Department of Health, submitted the stack height demonstration analysis with supplemental information submitted on July 21, 1987. EPA is approving the demonstration analysis for all of the stacks.

(i) Incorporation by reference. (A) Stack height demonstration analysis submitted by the State on April 18, 1986 and July 21, 1987.

(18) On January 26, 1988, the Governor of North Dakota submitted revisions to the plan. The revisions established new regulations and revised existing regulations and procedures.

(i) Incorporation by reference.

(A) Revisions to the Air Pollution Control Rules of the State of North Dakota Chapters 33-15-01, 33-15-02, 33-15-03, 33-15-04, 33-15-05, 33-15-07, 33-15-10, 33-15-11, 33-15-14, and 33-15-15, inclusive, and the addition of a new chapter 33-15-20 which were effective on October 1, 1987.

(19) On April 18, 1989, the Governor of North Dakota submitted revisions to the plan. The revisions included updates to existing regulations and the Group III PM10 plan.

(i) Incorporation by reference.

(A) Revisions to the Air Pollution Control Rules of the State of North Dakota Chapters, 33-15-01, 33-15-02, 33-15-4, 33-15-07, 33-15-10, 33-15-11, 33-15-14, and 33-15-15, inclusive, which were effective on January 1, 1989.

(ii) Additional material.

(A) August 22, 1989 letter from Dana K. Mount, Director of the Division of Environmental Engineering, to Doug Skie, EPA.

(B) August 28, 1989 letter from Dana K. Mount, Director of the Division of Environmental Engineering, to Laurie Ostrand, EPA.

(C) September 5, 1989 letter from Terry O'Clair, Assistant Director of the Division of Environmental Engineering, to Laurie Ostrand, EPA.

(20) On June 26, 1990, the Governor of North Dakota submitted revisions to the plan. The revisions include amendments to the prevention of significant deterioration of air quality (PSD) regulations to incorporate the nitrogen dioxide (NO₂) increments and to make several "housekeeping" modifications.

(i) Incorporation by reference.

(A) Revisions to the North Dakota Administrative Code, Chapter 33-15-15, Prevention of Significant Deterioration of Air Quality, effective June 1, 1990.

(ii) Additional material.

(A) October 22, 1990, letter from Douglas Skie, EPA, to Dana Mount, Director, Division of Environmental Engineering, North Dakota State Department of Health and Consolidated Laboratories.

(B) November 6, 1990 letter from Dana Mount, Director, Division of Environmental Engineering, North Dakota State Department of Health and Consolidated Laboratories, to Douglas Skie, EPA.

(21) On June 26, 1990, the Governor of North Dakota submitted revisions to the plan for new source performance standards.

(i) Incorporation by reference.

(A) Revisions to the Air Pollution Control Rules of the State of North Dakota Chapter 33-15-12 which was effective on June 1, 1990.

(ii) Additional material.

(A) January 7, 1991, letter from James J. Scherer, EPA, to George A. Sinner, Governor, State of North Dakota, on the authority for implementation and enforcement of the New Source Performance Standards (NSPS) for 40 CFR part 60, subpart QQQ.

(22) On June 26, 1990, the Governor of North Dakota submitted revisions to the plan. The revisions include amend-

ments to the hydrogen sulfide standard and the format of other ambient standards, and various other minor changes.

(i) *Incorporation by reference.* (A) Revisions to the North Dakota Administrative Code: General Provisions 33-15-01-04.30, 33-15-01-07.2, 33-15-01-08, 33-15-01-15.2, 33-15-01-17; Ambient Air Quality Standards 33-15-02 Table 1 standards for sulfur dioxide, hydrogen sulfide, carbon monoxide, ozone, and nitrogen dioxide; Emissions of Particulate Matter Restricted 33-15-05-02.2e, Table 4; Control of Pesticides 33-15-10-02.5; Designated Air Contaminant Sources, Permit to Construct, Permit to Operate 33-15-14-02.4.a and b, 33-15-14-02.5.a, 33-15-14-05.1.b(3); Control of Emissions from Oil and Gas Well Production Facilities 33-15-20-01.1, 33-15-20-01.2.1 and m, 33-15-20-02.1, 33-15-20-03.1, 2, and 3, 33-15-20-04; effective June 1, 1990.

(ii) *Additional material.* Letter dated February 14, 1992, from Dana K. Mount, Director, Division of Environmental Engineering, to Douglas M. Skie, EPA. This letter provided the State's commitment to meet all requirements of the EPA "Guideline on Air Quality Models (Revised)" for air quality modeling demonstrations associated with the permitting of new PSD sources, PSD major modifications, and sources to be located in nonattainment areas.

(23) On June 30, 1992, the Governor of North Dakota submitted revisions to the plan for new source performance standards and national emission standards for hazardous air pollutants.

(i) *Incorporation by reference.*

(A) Revisions to the Air Pollution Control Rules, Chapter 33-15-12, Standards of Performance for New Stationary Sources, and Chapter 33-15-13, excluding Section 33-15-13-02, Emission Standards for Hazardous Air Pollutants, effective June 1, 1992.

(24) On June 24, 1992, the governor of North Dakota submitted revisions to the plan. The revisions correct enforceability deficiencies in the SO₂ regulations.

(i) Incorporation by reference.

(A) Revisions to the North Dakota Administrative Codes, Chapter 33-15-06, Emissions of Sulfur Compounds Restricted, which became effective June 1, 1992.

(25) On November 2, 1992, the Governor of North Dakota submitted a plan for the establishment and implementation of a Small Business Assistance Program to be incorporated into the North Dakota State Implementation Plan as required by section 507 of the Clean Air Act.

(i) Incorporation by reference.

(A) Executive Order 1992-5, executed May 21, 1992, to establish a Small Business Compliance Advisory Panel.

(ii) Additional materials.

(A) November 2, 1992 letter from the Governor of North Dakota submitting a Small Business Assistance Program plan to EPA.

(B) The State of North Dakota plan for the establishment and implementation of a Small Business Assistance Program, adopted by the North Dakota State Department of Health and Consolidated Laboratories on October 23, 1992, effective October 23, 1992.

(26) The Governor of North Dakota submitted revisions to the North Dakota State Implementation Plan and Air Pollution Control Rules with letters dated June 26, 1990, June 30, 1992, and April 29, 1994. The revisions address air pollution control rules regarding general provisions; emissions of particulate matter and organic compounds; new source performance standards (NSPS); national emission standards for hazardous air pollutants (NESHAPs); federally enforceable State operating permits (FESOPs); prevention of significant deterioration of air quality; and control of emissions from oil and gas well production facilities.

(i) Incorporation by reference.

(A) Revisions to the Air Pollution Control Rules as follows: Emissions of Particulate Matter Restricted 33-15-05-02, 33-15-05-03, and 33-15-05-04; Control of Organic Compound Emissions 33-15-07; Prevention of Significant Deterioration of Air Quality 33-15-15-01; and Control of Emissions from Oil and Gas Well Production Facilities 33-15-20-01, 33-15-20-02, and 33-15-20-03, effective June 1, 1992.

(B) Revisions to the Air Pollution Control Rules as follows: General Provisions 33-15-01-04 and 33-15-01-13; Standards of Performance for New Stationary Sources 33-15-12; and Emission

Standards for Hazardous Air Pollutants 33-15-13, effective June 1, 1992 and March 1, 1994.

(C) Revisions to the Air Pollution Control Rules as follows: Designated Air Contaminant Sources, Permit to Construct, Minor Source Permit to Operate, Title V Permit to Operate, 33-15-14-01 through 33-15-14-05, effective March 1, 1994.

(27) On April 29, 1994, the Governor of North Dakota submitted revisions to the prevention of significant deterioration regulations in chapter 33-15-15 of the North Dakota Air Pollution Control Rules to incorporate changes in the Federal PSD permitting regulations for utility pollution control projects, PM-10 increments, and municipal waste combustors.

(i) Incorporation by reference.

(A) Revisions to Chapter 33-15-15 of the North Dakota Air Pollution Control Rules, Section 33-15-15-01, Subsections 1.a.(3) and (4), 1.c, 1.e.(4), 1.h, 1.i, 1.m, 1.x.(2)(h)-(k), 1.aa.(2)(c), 1.bb, 1.dd, 1.ee, 1.ff, 1.hh, 2.b, 4.d.(3)(a), and 4.j.(4)(b), effective 3/1/94.

(28) The Governor of North Dakota submitted revisions to the North Dakota State Implementation Plan and Air Pollution Control Rules with a letter dated December 21, 1994. The submittal addressed revisions to SIP Chapter 2, regarding delegatable authorities and asbestos law revisions, and to air pollution control rules regarding general provisions; ambient air quality standards; new source performance standards (NSPS); and national emission standards for hazardous air pollutants (NESHAPs).

(i) Incorporation by reference.

(A) Revisions to the following sections of the North Dakota Century Code: 23-25-01; 23-25-03; and 23-25-03.1, effective August 1, 1993.

(B) Revisions to the Air Pollution Control Rules as follows: General Provisions 33-15-01-17 and 33-15-01-18; Ambient Air Quality Standards 33-15-02-05 and 33-15-02 Table 1; Standards of Performance for New Stationary Sources 33-15-12; and Emission Standards for Hazardous Air Pollutants 33-15-13, effective December 1, 1994.

(29) The Governor of North Dakota submitted revisions to the North Dakota State Implementation Plan and

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Air Pollution Control Rules with letters dated August 15, 1995 and January 9, 1996. The revisions address air pollution control rules regarding general provisions; open burning; emissions of particulate matter, certain settleable acids and alkaline substances, and fugitives; air pollution emergency episodes; new source performance standards (NSPS); national emission standards for hazardous air pollutants (NESHAPs); and the minor source construction and operating permit programs. The State's January 9, 1996 submittal also revised SIP Chapter 6, Air Quality Surveillance, to identify current activities regarding visibility monitoring.

(i) Incorporation by reference.

(A) Revisions to the Air Pollution Control Rules as follows: Emissions of Particulate Matter Restricted 33-15-05-03., 33-15-05-03.1., 33-15-05-03.2., and 33-15-05-03.3.; Prevention of Air Pollution Emergency Episodes 33-15-11 Tables 6 and 7; and Fees 33-15-23-01, 33-15-23-02, and 33-15-23-03, effective August 1, 1995.

(B) Revisions to the Air Pollution Control Rules as follows: General Pro-

visions 33-15-01-04; Emission Standards for Hazardous Air Pollutants 33-15-13, except 33-15-13-01-2., Subpart I; Designated Air Contaminant Sources, Permit to Construct, Minor Source Permit to Operate, Title V Permit to Operate 33-15-14-01, 33-15-14-01.1., 33-15-14-02.12., and 33-15-14-03.10.; effective August 1, 1995 and January 1, 1996.

(C) Revisions to the Air Pollution Control Rules as follows: Open Burning Restrictions 33-15-04; Emissions of Certain Settleable Acids and Alkaline Substances Restricted 33-15-09; Standards of Performance for New Stationary Sources 33-15-12; and Restriction of Fugitive Emissions 33-15-17-01 and 33-15-17-02, effective January 1, 1996.

[37 FR 10885, May 31, 1972]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1820, see the List of CFR Sections Affected in the Finding Aids section of this volume.

§ 52.1821 Classification of regions.

The North Dakota plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Metropolitan Fargo-Moorhead Interstate	II	III	III	III	III
North Dakota Intrastate	II	III	III	III	III

[37 FR 10885, May 31, 1972]

§ 52.1822 Approval status.

With the exceptions set forth in this subpart, the Administrator approves the North Dakota plan for the attainment and maintenance of the national standards.

[39 FR 7283, Feb. 25, 1974]

§ 52.1823 [Reserved]

§ 52.1824 Review of new sources and modifications.

(a)-(b) [Reserved]

(c) The State of North Dakota has clarified the language contained in the North Dakota Administrative Code on the use of the EPA "Guideline on Air Quality Models" as supplemented by

the "North Dakota Guideline for Air Quality Modeling Analysis". In a letter to Douglas M. Skie, EPA, dated February 14, 1992, Dana K. Mount, Director of the Division of Environmental Engineering, stated:

To clarify this issue, the State of North Dakota will commit to meeting all requirements of the EPA Guideline for air quality modeling demonstrations associated with the permitting of new PSD sources, PSD major modifications, and sources which will be located in nonattainment areas. If any conflict exists, the EPA Guideline will take precedence for these source categories.

[39 FR 7283, Feb. 25, 1974, as amended at 51 FR 40677, Nov. 7, 1986; 57 FR 28620, June 26, 1992; 61 FR 16062, Apr. 11, 1996]